



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/630,876 | 07/30/2003 | Darren Maya | 0112300-720 | 7942 |
| 29159 | 7590 | 08/09/2006 | EXAMINER | |
| BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135 | | | NGUYEN, KIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | |

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/630,876

Applicant(s)

MAYA ET AL.

Examiner

Kim T. Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-66 is/are pending in the application.
- 4a) Of the above claim(s) 14-25 and 33-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 26-32 and 43-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Examiner acknowledges receipt of the RCE filed with the amendment on 7/5/06. According to the amendment, claims 43-66 have been added, claims 14-25 and 33-42 were previously withdrawn, and claims 1-66 are pending. Applicant should cancel non-elected claims in the response to this office action.

Claim Objections

1. Claims 44-45 are objected to as being in improper form because claims 44-45 depend on itself.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-13, 26-32 and 43-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stamper (US 6,264,198) in view of Schaefer et al (US 2004/0201169).**

As per claim 1-2, Stamper discloses a gaming device comprising a display device 14 (Fig. 1) operable with the processor to display a plurality of matingly interconnected puzzle pieces (col. 5, lines 7-10; col. 6, lines 8-14); provide a plurality of selections associating with puzzle pieces in each play game (col. 8, lines 17-20; col.

5, lines 24-26). Stamper does not explicitly disclose that allowing the player to pick selections only until the player obtains a designated combination of the puzzle pieces, and awarding the player based on the designated combination and the selected puzzle pieces matingly connected to the puzzle pieces in the designated combination of the puzzle pieces. However, since Stamper discloses requiring the player to obtain a designated combination of the puzzle pieces (e.g. completing a puzzle by selecting puzzle pieces and positioning the selected puzzle pieces into the frame of the puzzle) in order to return to other video game (e.g. providing an outcome to the player is to allow the player to continue playing other video game) (col. 8, lines 17-20; col. 5, lines 11-26; and col. 8, lines 43-54), Stamper obviously encompasses allowing the player to select the selections only until the player obtains the designated combination (e.g. solving the puzzle) and providing an outcome to the player (e.g. allowing the player to continue playing other video game) (col. 8, lines 53-54). Further, Schaefer discloses providing an award based on a criteria for the designated combination (paragraph 0024), and since providing a payout based on the criteria such as the designated combination obtained by the player and the selected puzzle pieces matingly connected to a puzzle piece in the designated combination would have been obvious design choice. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to apply awarding the player based on a predetermined criteria as taught by Schaefer in the game of Stamper in order to provide appropriate payouts to the player based on the level of progress made toward the predetermined image combinations.

As per claim 3-7, providing cash value award, associating an award to each selection, summing the awards, and providing a bonus award in playing a game would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 8, Schaefer discloses a designated section (puzzle A, B, C, or D in Fig. 2).

As per claim 9-11, using the same or different puzzle pieces and including a plurality of puzzle pieces in a selection and would have been both well-known and obvious design choice.

As per claim 12-13, playing a video game using a touch screen both well-known and obvious design choice.

As per claim 26-29 and 43-66, refer to discussion in claims 1-13 above.

As per claim 30-31, playing a game through an Internet network would have been well known to a person of ordinary skill in the art at the time the invention was made.

As per claim 32, Stamper discloses storing the game program in a memory (col. 4, lines 8-17).

Response to Arguments

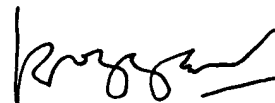
4. Applicant's arguments filed 7/5/06 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 3713

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (571) 272-4441. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai, can be reached on (571) 272-7147. The central official fax number is (571) 273-8300.

kn
Date: August 5, 2006



Kim T Nguyen
Primary Examiner
Art Unit 3713